



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Nshimiyimana Olivier Hamzat
Master Case No.: M2019-759
Document: Statement of Charges

Regarding your request for information about the above-named practitioner; attached is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office. These records are considered Certified by the Department of Health.

Certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld:

The identity of the complainant if the person is a consumer, health care provider, or employee, pursuant to RCW 43.70.075 (Identity of Whistleblower Protected) and/or the identity of a patient, pursuant to RCW 70.02.020 (Medical Records - Health Care Information Access and Disclosure)

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Privacy Officer, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
SECRETARY OF HEALTH**

In the Matter of

NSHIMIYIMANA OLIVIER HAMZAT
Credential No. NAC.NC.60434803

Respondent

No. M2019-759

STATEMENT OF CHARGES

The executive director of the Nursing Assistant Program (Program), on designation by the Secretary of Health, makes the allegations below, which are supported by the evidence contained in case no. 2019-8983. The patient referred to in this Statement of Charges is identified in the attached Confidential Schedule.

1. ALLEGED FACTS

1.1 On January 27, 2014 the State of Washington issued Respondent a credential to practice as a nursing assistant-certified. Respondent's credential expired on July 17, 2019.

1.2 Between approximately June 1, 2019, and July 3, 2019, while employed as a nursing assistant-certified at a skilled nursing facility where Patient A was a resident, Respondent sexually assaulted Patient A on several occasions.

1.3 On or about July 9, 2019, Respondent was charged with two (2) counts of Rape in the Second-Degree under RCW 9A.44.050(1)(d), a class A felony, and one (1) count of Indecent Liberties under RCW 9A.44.100(1)(d), a class B felony, in the Superior Court of Washington for King County, case number 19-1-04225-3 SEA. These charges are related to conduct described above.

2. ALLEGED VIOLATIONS

2.1 Based on the Alleged Facts, Respondent has committed unprofessional conduct in violation of RCW 18.130.180(1), (7), and (24), WAC 246-16-100(1)(a), (b), (s), and (2), which provide in part:

RCW 18.130.180 Unprofessional conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

WAC 246-16-100 Sexual misconduct.

(1) A health care provider shall not engage, or attempt to engage, in sexual misconduct with a current patient, client, or key party, inside or outside the health care setting. Sexual misconduct shall constitute grounds for disciplinary action. Sexual misconduct includes but is not limited to:

(a) Sexual intercourse;

(b) Touching the breasts, genitals, anus or any sexualized body part except as consistent with accepted community standards of practice for examination, diagnosis and treatment and within the health care practitioner's scope of practice;

...

(s) Sexually demeaning behavior including any verbal or physical contact which may reasonably be interpreted as demeaning, humiliating, embarrassing, threatening or harming a patient, client or key party;

...

(2) Sexual misconduct also includes sexual contact with any person involving force, intimidation, or lack of consent; or a conviction of a sex offense as defined in RCW 9A.030.

...

2.2 The above violations provide grounds for imposing sanctions under RCW 18.130.160.

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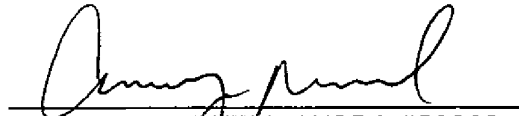
3. NOTICE TO RESPONDENT

The charges in this document affect the public health and safety. The executive director of the Program directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline pursuant to RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

DATED August 19, 2019

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
SECRETARY OF HEALTH


TRINA CRAWFORD
EXECUTIVE DIRECTOR


ASHLEY MAXWELL, WSBA #53082
PROGRAM REPRESENTATIVE

CONFIDENTIAL SCHEDULE

This information is confidential and is NOT to be released without the consent of the individual or individuals named herein. RCW 42.56.240(1).

Patient A:

